

* * * NOT FOR PUBLICATION¹ * * *
POST ON COURT'S WEBSITE

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:

KATRINA RAETZER,

Putative Debtor.

No. 08-42075

**ORDER re SERVICEMEMBERS CIVIL
RELIEF ACT**

Petitioning creditor LL Mills filed an involuntary petition against Katrina Raetzer, seeking an order for Chapter 7 relief under § 303 of the Bankruptcy Code² on 7 May 2008. According to petitioning creditor's proof of service, the petition was served by mail on the putative debtor 14 May 2008. No answer has been filed.

An involuntary petition must be served in accordance with Rule 7004, Rule 1010, and a contested involuntary petition is a contested matter governed by Rule 9014. See Rule 1018; In re Western Land Bank, Inc., 116 B.R. 721, 724-25 (Bankr. C.D. Cal. 1990). An order for involuntary relief is treated as a judgment. See In re Blutrich Herman & Miller, 227 B.R. 53 (Bankr. S.D.N.Y. 1998). Thus, compliance with the

¹ **THIS ORDER IS NOT APPROVED FOR PUBLICATION AND MAY NOT BE CITED EXCEPT WHEN RELEVANT UNDER THE DOCTRINE OF LAW OF THE CASE OR THE RULES OF RES JUDICATA AND CLAIM PRECLUSION.**

² Absent contrary indication, all "Code," chapter, and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1330 as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCPA"), Pub.L. 109-8, 119 Stat. 23. "Rule" references are to the Federal Rules of Bankruptcy Procedure, and "LBR" references are to the Local Bankruptcy Rules of this district.

(08-42075 - Raetzer)
ORDER-SCRA - 1 of 2

1 Servicemembers Civil Relief Act, 50 App. U.S.C. § 521 et seq., would
2 seem to be required for proper service.

3 Accordingly, it is ORDERED: The petition WILL BE DISMISSED unless,
4 within ten (10) days, petitioning creditor files either:

- 5 1. a sufficient affidavit (or declaration), as required by 50
6 App. U.S.C. § 521(b); or
- 7 2. a memorandum explaining why the Servicemembers Civil Relief
8 Act is not applicable, in which event I will hold a hearing at
9 9:30 a.m. on 22 July 2008, U.S. Bankruptcy Court, Courtroom I,
10 1717 Pacific Avenue, Tacoma, Washington, and any other party
11 may file a response not later than 17 July 2008.

12 **/// - END OF ORDER - ///**



Philip H. Brandt
United States Bankruptcy Judge
(Dated as of "Entered on Docket" date above)

15 CERTIFICATE OF SERVICE:
16 I CERTIFY I SERVED COPIES OF
17 THE FOREGOING (VIA U.S. MAIL,
FACSIMILE, OR ELECTRONICALLY) ON:

18 Katrina Raetzer
19 1205 Shaw Raod
Puyallup, WA 98372

Daniel F. Clawson
Email: dclawson@seanet.com
(LL Mills)

20 Chase Bank USA
21 c/o Weinstein and Riley, PS
2001 Western Ave, Ste 400
Seattle, WA 98121-3132

American Express Centurion Bank
c/o Becket and Lee LLP
POB 3001
Malvern, PA 19355-0701

22 U.S. Trustee
23 Served via ECF

24 DATE: July 9, 2008

25 BY: /s/ Suzan Gallup